

**Introduced by Senator Berryhill**February 9, 2015

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An act to amend Section 21609.1 of the Business and Professions Code, relating to secondhand goods.

## LEGISLATIVE COUNSEL'S DIGEST

SB 179, as introduced, Berryhill. Secondhand goods: junk dealers.

Existing law prohibits a junk dealer or recycler from possessing a reasonably recognizable, disassembled, or inoperative fire hydrant or fire department connection, a manhole cover or lid, or a backflow device, as described, that was owned by an agency, without a written certification on the agency's letterhead that the agency either has sold the material described or is offering the material for sale, as specified. Under existing law, a junk dealer or recycler who unknowingly takes possession of one or more of the specified items as part of a load of otherwise nonprohibited materials without a written certification has a duty to notify the appropriate law enforcement agency by the end of the next business day upon discovery of the prohibited material, as provided.

This bill would make nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 21609.1 of the Business and Professions
- 2 Code is amended to read:
- 3 21609.1. (a) ~~No~~A junk dealer or recycler shall *not* possess
- 4 any reasonably recognizable, disassembled, or inoperative fire

1 hydrant or fire department connection, including, but not limited  
2 to, reasonably recognizable brass fittings and parts, or any manhole  
3 cover or lid or reasonably recognizable part of a manhole cover  
4 or lid, or any backflow device or connection to that device or  
5 reasonably recognizable part of that device, that was owned or  
6 previously owned by an agency, in the absence of a written  
7 certification on the letterhead of the agency owning or previously  
8 owning the material described in the certification that the agency  
9 has either sold the material described or is offering the material  
10 for sale, salvage, or recycling, and that the person possessing the  
11 certification and identified in the certification is authorized to  
12 negotiate the sale of that material.

13 (b) A junk dealer or recycler who unknowingly takes possession  
14 of one or more of the items listed in subdivision (a) as part of a  
15 load of otherwise nonprohibited materials without a written  
16 certification has a duty to notify the appropriate law enforcement  
17 agency by the end of the next business day upon discovery of the  
18 prohibited material. Written certification shall relieve the junk  
19 dealer or recycler from any civil or criminal penalty for possession  
20 of the prohibited material. The prohibited material shall be set  
21 aside and not sold pending a determination made by a law  
22 enforcement agency pursuant to Section 21609.

23 (c) For purposes of this section, the following definitions apply:

24 (1) "Agency" means a public agency, city, county, city and  
25 county, special district, or private utility regulated by the Public  
26 Utilities Commission.

27 (2) "Appropriate law enforcement agency" means either of the  
28 following:

29 (A) The police chief of the city, or his or her designee, if the  
30 item or items listed in subdivision (a) are located within the  
31 territorial limits of an incorporated city.

32 (B) The sheriff of the county or his or her designee if the item  
33 or items listed are located within the county but outside the  
34 territorial limits of an incorporated city.

35 (3) "Written certification" means a certification in written form  
36 by the junk dealer or recycler to a law enforcement agency,  
37 including electronic mail, facsimile, or a letter delivered in person  
38 or by certified mail.

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